

MONTANA LEGISLATIVE HISTORY

Chapter 357 19 73

Bill H 502 S _____ Original bill & history ____C

H. Committee on Education

Hearing Date(s) Feb 10 ✓ C

Feb 12 ✓ C

_____ C

_____ C

Date Out _____ C

S. Committee on Judiciary

Hearing Date(s) Feb 26 ✓ C

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

EDUCATION COMMITTEE

February 10, 1973

The meeting was called to order at 8 a.m., with all members present except Representatives Cox, Holmes, Bradley and Warfield.

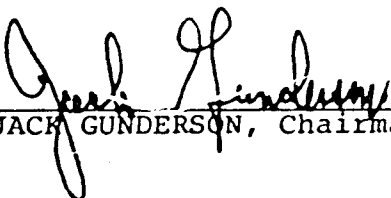
Representative Cotton, chief sponsor, explained that House Bill 260 provides that trustees of a school district and the county transportation committee have a degree of latitude in granting increases in individual transportation based on an isolation chart provided by the Superintendent's office. Mr. Harold Rehmer of the Superintendent's office testified as a proponent of the bill by saying that the people on the spot have the best knowledge of the situation and that this bill changes the law to the way it was before the 1971 recodification. Mr. Bob Stockton stated that there would be no change in the cost because they had been operating under the old law for many years.

Representative Cotton, chief sponsor, explained House Bill 432 by saying that it raises from 80% to 90% the maximum-budget-without-a-vote the Foundation Program support. Mr. Jeff Brazier (Montana Taxpayers Association) and Mr. Everett Snortland (Montana Farm Bureau) testified as opponents of the bill. Mr. Floyd Markell said that 432 is contained in part of 428, and explained and distributed the information sheet which is attached. Mr. John Campbell said that he is opposed to the bill because the Legislature hasn't fully financed the 80% and if it is raised to 90% they still will not be able to meet the obligation.

House Bill 502 was discussed next. Representative Kimble, chief sponsor, said that the bill has 2 provisions: a requirement that officials who administer the universities recognize that a student is entitled to privacy, and a requirement that student records not be given out without the consent of the student. Proponents of the bill were: Tom Behan (Associated Students), Kurt Krueger (ASMSU Students, Vice-President), Dennis Brosten (Men's Resident Association of MSU), and Wayne Woolston (Registrar of U of M). Mr. Behan suggested 2 amendments: page 2, line 20, delete "an appropriate agent" and inserting the following words "a university faculty member or an administrator of the unit at which the student is registered for private use by that official", and the last line on page 3, after the word "compiled" the words "upon him or her".

Representative Lund moved that House Bill 338 DO PASS. The motion was seconded and passed with Representatives Marks, Menahan, Cox, Holmes, Bradley and Warfield not voting.

There being no further business, the meeting adjourned at 9:15 a.m.


JACK GUNDERSON, Chairman

EDUCATION COMMITTEE

February 12, 1973

The meeting was called to order at 8 a.m., with all members present except Representatives Barrett, Cox, Marks and Menahan. Minority Leader Kvaalen sat in on the meeting as a voting member in the absence of Representative Cox.

Representative Lynch, chief sponsor, explained that House Bill 490 insures the basic rights of teachers in that they should not have to give information on race, religion, etc. Mr. Jim McGarvey testified as a proponent to the bill. There were no opponents.

House Bill 428 was discussed again. Representatives Fasbender, Yardley; Mr. Floyd Markell and Mr. Mike Meloy were present to explain the bill more thoroughly and answer questions from the committee. The committee discussed the bill and then went into executive session.

Representative Cotton moved that House Bill 428 be amended on page 8, line 17, by changing the word "county" to "state". The motion was seconded and passed unanimously. Representative Holmes moved that on page 8, line 18, the following be added at the end of the sentence: "or if there is no additional state levy under this section the excess may be transferred to the state equalization aid account for the reduction of the legislative appropriation". The motion was seconded and passed unanimously. Representative Forsgren moved that on page 10, lines 1 and 11, the mill amounts be changed to nine and six respectively. The motion was seconded and passed unanimously. Representative Sheldon moved that on page 12, line 11, the word "total" be inserted before the word "general". The motion was seconded and passed unanimously. Representative Murphy moved on page 12, line 14, to strike the word "emergency" and on line 15 at the end of the sentence to add "as adopted under 75-6903". The motion was seconded and passed unanimously. All members shown above excused not voting on the above.

Representative Lynch then moved that House Bill 428 DO PASS AS AMENDED. The motion was seconded and passed unanimously (those shown above excused not voting).

Representative Murphy moved that the amendments proposed by Mr. Behan to House Bill 502 be adopted (shown in minutes for February 10). The motion was seconded and passed unanimously (those shown above excused not voting). Representative Murphy then moved that House Bill 502 DO PASS AS AMENDED. The motion was seconded and passed unanimously (those shown above excused not voting).

SENATE JUDICIARY COMMITTEE---February 26, 1973

The meeting was called to order by Chairman McKeon; all members were present. The first bill discussed was HB 502. Representative Kimble, sponsor, spoke. He also introduced:

- 1) Tom Behan, Montana Assoc. Students of Bozeman. Mr. Behan also read two letters for testimony from President MacIntosh, MSU, and President Pantzer, University of Montana.
- 2) Kurt Krueger, Montana Assoc. of Students, Bozeman
- 3) Dennis Broston, Men's Residence Association, Bozeman

Opponents speaking were:

- 1) Max Worthington, Dean of Students, MSU

Senator Gilfeather moved amendments to this bill; Senator Turnage seconded the motion; and the committee adopted the amendments. (attached)
Senator Gilfeather moved that as amended this bill be concurred in; Senator Harrison seconded the motion and the committee voted that this bill AS AMENDED BE CONCURRED IN.

HB 266 sponsored by Representative Brand who spoke, was also discussed. Senator Boylan moved this bill be not concurred in; Senator Turnage seconded the motion; and the committee voted this bill BE NOT CONCURRED IN.

HB 307 also sponsored by Rep. Brand who spoke, was discussed next. Senator Turnage moved this bill be not concurred in; Senator Mather seconded the motion; and the committee voted this bill BE NOT CONCURRED IN.

HB 333 was discussed next. Representative Fasbender, sponsor, spoke and introduced

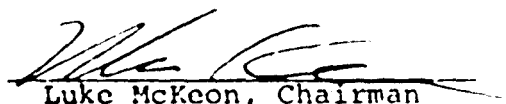
- 1) Mr. Basilman (sp) of the Reorganization Department. He did propose one amendment and that was that this bill be effective June 30, 1973.
- 2) Doyle Saxby, Reorganization Department
- 3) Dee Cooper, Montana Education Association
- 4) Representative J. D. Lynch, Butte
- 5) Elton Hendrickson, Teacher Retirement Board

Opponents were:

- 1) Stan Gerke, Montana State Council 9--testimony attached
- 2) Larry Nachtsheim, Administrator for Public Employees Retirement System

Senator Turnage moved this bill be amended; Senator Gilfeather seconded the motion; and the committee adopted the following amendment:

I move to amend the title, page 1, line 13 by striking the "period (1)" and adding the words "effective June 30, 1973" and further amend by adding a new Section 5 to read "This act shall be effective June 30, 1973. Senator Turnage moved this bill as amended be concurred in; Senator Hall seconded the committee voted that as amended this bill BE CONCURRED IN.


Luke McKeon, Chairman

JUDICIARY

Senate Committee

Date _____ House Bill No. 502 Time 5:30

	Y	N
McKeon		
Gilfeather	✓	
Boylan	✓	
Hall	✓	
Zody	✓	
Drake <i>Malone</i>		✓
Harrison	✓	
Moore	✓	
Turnage	✓	

M. J. Rice W. H. Rice
 Mary Jane Rice, Secretary Senator McKeon, Chairman

Motion: Dr. Malone as Amended

and use of commercial feed shall not disclose the operations of any person.

Section 16. If any clause, sentence, paragraph or part of this act is for any reason judged invalid by a court of competent jurisdiction, that judgment does not affect, impair or invalidate the remainder thereof but is confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which the judgment is rendered.

Section 17. Sections 3-2012 through 3-2024, R.C.M. 1947, are repealed.

Section 18. This act shall take effect and be in full force from and after the first day of January 1, 1974, except the department may and is hereby directed to adopt necessary rules as authorized in section 10 of this act as soon as practical so they can become effective January 1, 1974.

Approved: March 17, 1973.

CHAPTER NO. 357

An Act Requiring Montana Colleges and Universities to Develop Procedures to Protect a Student's Right to Privacy Concerning His Place of Residence and His College or University Records.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is the legislature's intent that an institution of the university system of Montana is obligated to respect a student's right of privacy. This obligation must be observed by establishing procedures to safeguard the institution's activities which are necessary to protect the health, safety and privacy of a person's residence and the privacy of his records. Intrusions by police and other officials exercising responsibility for law enforcement must be governed by standards and procedures no less stringent than those applicable to intrusions on private quarters outside the institutions. Further, a student may not be subjected to discrimination in the manner of covert records.

Section 2. A university or college facility may not require a student to sign any contract which would waive his or her right to privacy and due process of law.

Section 3. An authorized official of the university or college may not enter the room of a student located at such insti-

tution unless he has given the student in writing a notice. An emergency such as a fire or a call for help, or where there is probable cause to believe the occupant needs assistance is the only exception to the written notice requirement. In such an emergency evidence of crime obtained as a result of such emergency entry shall not be admissible in any court of law unless due process of law has been satisfied in obtaining such evidence.

Section 4. A search or entry by any law enforcement official shall be in accordance with the laws of the city, county, state and nation.

Section 5. A university or college shall release a student's academic record only when requested by the student or by a subpoena issued by a court or tribunal of competent jurisdiction. A student's written permission must be obtained before the university or college may release any other kind of record unless such record shall have been subpoenaed by a court or tribunal of competent jurisdiction.

Section 6. Academic records shall be kept separate from disciplinary and all other records. Academic transcripts shall contain only information of academic nature. A student shall have the right to examine all written summaries, descriptions, statements or reports of academic or disciplinary nature which may have been compiled upon him or her.

Approved: March 17, 1973.

CHAPTER NO. 358

An Act Amending Sections 82A-101 through 82A-112 and 82A-115 through 82A-122, R.C.M. 1947, Relating to the General Provisions Contained in the First Chapter of the Executive Reorganization Act of 1971; and Repealing Sections 82A-113, 82A-114 and 82A-123, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 82A-101, R.C.M. 1947, is amended to read as follows:

"82A-101. **Short title.** This *title* shall be known and may be cited as the "Executive Reorganization Act." "

Section 2. Section 82A-102, R.C.M. 1947, is amended to read as follows:

"82A-102. **Declaration of policy and purpose.** (1) The purpose of this *title* is to comply with *article VI, section 7, of the*